

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13304, of Meyer Silverman, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a non-conforming use from a retail grocery store, first floor to a retail grocery store and delicatessen, first floor, in an R-4 District at the premises 523 M Street, N.E., (Square 829, Lot 42).

HEARING DATE: July 23, 1980
DECISION DATE: September 3, 1980

FINDINGS OF FACT:

1. The subject property is located in an R-4 District at the southwest corner of the intersection of 6th and M Streets, N.E.
2. The property is improved with a two story brick structure. The first floor is presently being used as a retail grocery store, a non-conforming use authorized by Certificate of Occupancy No. B-112015, dated December 8, 1978. The second floor is used as an apartment.
3. The applicant proposes to convert the retail grocery to a retail grocery and delicatessen. The delicatessen aspect would be to sell food prepared on the premises for off premises consumption. Foods prepared would be hot and cold sandwiches and associated items, like potato salad, french fries, etc. There would be no seating for on-premises consumption.
4. The present hours of operation are from 8 a.m. to 12:00 midnight, seven days per week. The hours of operation would remain unchanged.
5. The proposed use would involve no expansion in area of the present use. The operator of the store has consolidated some of his existing equipment and displays to accommodate the equipment for the delicatessen. One additional person would be employed.

6. The subject property is located in a residential area. There are rooming houses, churches and vacant properties in the immediate vicinity of the site. One block away is an area zoned C-M. There are no existing facilities like the proposed establishment in the area.

7. The proposed delicatessen would be of a relatively low intensity, and would not significantly affect the area. It would primarily serve people already in the area.

8. The existing non-conforming use is first permitted in a C-1 District. The proposed use is also permitted in a C-1 District.

9. There are large painted signs on the walls of the building that are out of character with the residential nature of the immediate area.

10. There was no report from Advisory Neighborhood Commission-2C.

11. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate that he has complied with the requirements of Sub-section 7104.2, Section 7109 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The proposed use is permitted in the most restrictive district in which the existing use is permitted. The use will be a neighborhood facility and will not be objectionable. The Board notes that the existing appearance of the facility is out of character with a residential neighborhood. The Board further concludes that the special exception as conditional herein, can be granted as in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

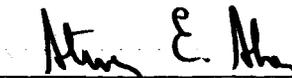
1. Approval shall be for a period of THREE YEARS.

2. The applicant will eliminate all painted signs on the exterior walls of the premises and repaint the exterior of the building with a color more compatible with the surrounding buildings, so as to lessen the visual impact upon the neighborhood.

VOTE: 3-1 (Walter B. Lewis, Connie Fortune and Charles R. Norris to GRANT; William F. McIntosh OPPOSED by PROXY; Leonard L. McCants not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT.

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

6 OCT 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.